

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,
Plaintiff,

v.

JUAN R. MERCED MORALES
Defendant.

CRIM. NO. 97-0072

INFORMATIVE MOTION

TO THE HONORABLE COURT:

COMES NOW, the United States of America, through the undersigned attorneys, and before this Honorable Court very respectfully states and prays as follows:

1. On February 4, 2008, the undersigned filed a motion to request an extension of time to answer defendant's motion for reduction of sentence under the new crack cocaine guidelines. The request for extension of time was granted by this Honorable Court. See, Dockets No. 744 & 745.

2. Thereafter, on February 15, 2008, the Honorable Chief United States District Judge, José A. Fusté entered an Administrative Directive that will guide the process of implementing the retroactivity of the crack amendment.

3. The process requires that the United States Probation Office prepares a "retroactivity package" (consisting of the Pre-sentence Investigation Report, Judgment and Commitment Order, Plea Agreement, Indictment, and Sentencing Transcript), which should include a recommendation related to the defendant's eligibility for the benefits of the retroactive crack cocaine guideline amendment. Thereafter, the Federal Public Defender and the undersigned should meet to consider and announce any stipulated disposition.

4. Since the "retroactivity package" has not been filed with a recommendation as to the

disposition, the United States hereby submits that instead of filing a response at this time, it will follow the procedure established in the Administrative Directive once the Probation Office files the retroactivity package in this case, as required therein.

WHEREFORE, the United States respectfully requests from the Court to take notice of the above, and to issue any Order which may be deemed appropriate.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 5th day of March, 2008.

ROSA EMILIA RODRÍGUEZ-VÉLEZ
United States Attorney

s/Ilianys Rivera Miranda
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system to notify the counsels of record, and to defendant Juan R. Merced Morales, inmate # 14729-069 by priority mail at: F.C.C. Yazoo City (medium), P.O. Box 5888, Yazoo City, M.S. 39194-5888.

At San Juan, Puerto Rico, this 5th day of March, 2008.

s/Ilianys Rivera Miranda
Ilianys Rivera Miranda - 223006
Assistant U.S. Attorney